

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

JERRY WAYNE PATE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 1:19-cv-01138-JDB-jay  
Re: 1:17-cr-10060-JDB-1

ORDER TRANSFERRING CASE TO THE EASTERN DISTRICT OF ARKANSAS

Petitioner, Jerry Wayne Pate, has filed a petition pursuant to 28 U.S.C. § 2241, complaining that the Bureau of Prisons is not properly applying “jail time credit[s]” in calculating his release date.(Docket Entry 1 at PageID 1.)

A challenge to the execution of a prisoner’s sentence pursuant to § 2241 must be brought against the prisoner’s custodian and must be filed in the district in which the custodian is located. *Pierce v. United States*, No. 3:12-0121, 2012 WL 1900921, at \*2 n.2 (M.D. Tenn. May 24, 2012) (citing *Sutton v. United States*, 172 F.3d 873 (6th Cir. 1998)). Petitioner is incarcerated at the Forrest City Federal Correctional Complex, Forrest City, Saint Francis County, Arkansas, which is in the Eastern District of Arkansas. *See* 28 U.S.C. § 83(a).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is TRANSFERRED, forthwith, to the Eastern District of Arkansas. The Clerk is DIRECTED to close this case without entry of judgment. The Clerk is further DIRECTED not to file any documents in this closed case. Any documents received from Petitioner should be forwarded to the transferee court or returned to Petitioner, as appropriate.

IT IS SO ORDERED this 31st day of October 2019.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE